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### House Democrat Calls For New "contempt Of Congress" Prosecutor

By John Bresnahan

(The Politico) Rep. Brad Miller (D-N.C.) has introduced legislation calling for the appointment of a special prosecutor to handle criminal contempt of Congress charges when Justice will not cooperate.

The Miller bill grows out of the dispute between House Democrats and the White House over subpoenas issued to White House Chief of Staff Josh Bolten and former White House Counsel Harriet Miers.

The committee issued the subpoenas as part of its probe into the 2006 firing of nine U.S. attorneys. Bolten and Miers, relying on an assertion of executive privilege by President Bush, refused to comply with the subpoenas. The House passed both criminal and civil contempt resolutions against Bolten and Miers, but the Justice Department, citing earlier legal opinions, declined to allow a federal prosecutor to bring the case before a grand jury. The Judiciary Committee has filed a civil lawsuit against the Justice Dept. seeking to enforce the subpoenas.

According to Miller's office, his new bill would allow a federal judge to "appoint an independent ;Special Advocate' to investigate and prosecute alleged Contempt of Congress charges passed by the House of Representatives against current and former executive branch employees, when the Justice Department fails to do so." The special prosecutor would technically work for attorney general, but in reality, would be "largely independent from both the executive and legislative branches and not subject to undue political influences."

***"The law explicitly requires the Justice Department to present Contempt of Congress charges to the grand jury, but the Bush Administration claims Congress can not compel a U.S. attorney to prosecute contempt cases where the White House claims executive privilege," Miller said in a statement. "Other presidents have made bodacious claims about their powers, but always compromised in the end. No president, not even Nixon, has***

***gone this far before."***

Miller's new legislation comes as Bush, at the recommendation of Attorney General Michael Mukasey, is once again asserting executive privilege and refusing to turn over to the House Oversight and Government Reform Committee documents related to the criminal probe into the outing of former CIA operative Valerie Plame Wilson.

Rep. Henry Waxman (D-Calif.), chairman of the Oversight panel, is seeking unredacted FBI interviews with current and former top White House officials involved in the episode, including former Bush strategist Karl Rove.